

Subpart Y—Minnesota

§ 52.1219 Identification of plan—conditional approval.

(a) On November 12, 1993, the Minnesota Pollution Control Agency submitted a revision request to Minnesota's carbon monoxide SIP for approval of the State's basic inspection and maintenance (I/M) program. The basic I/M program requirements apply to sources in the State's moderate non-attainment areas for carbon monoxide and includes the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties. The USEPA is conditionally approving Minnesota's basic I/M program provided that the State adopt specific enforceable measures as outlined in its July 5, 1994 letter from Charles W. Williams, Commissioner, Minnesota Air Pollution Control Agency.

(i) Incorporation by reference.

(A) Minnesota Rules relating to Motor Vehicle Emissions parts 7023.1010 to 7023.1105, effective January 8, 1994.

(ii) Additional material.

(A) Letter from the State of Minnesota to USEPA dated July 5, 1994.

(b) On February 9, 1996, the State of Minnesota submitted a request to revise its particulate matter (PM) State Implementation Plan (SIP) for the Saint Paul area. This SIP submittal contains administrative orders which include control measures for three companies located in the Red Rock Road area—St. Paul Terminals, Inc., Lafarge Corporation and AMG Resources Corporation. Recent exceedances were attributed to changes of emissions/operations that had occurred at particular sources in the area. The results from the modeling analysis submitted with the Red Rock Road SIP revision, preliminarily demonstrate protection of the PM National Ambient Air Quality Standards (NAAQS). However, due to the lack of emission limits and specific information regarding emission distribution at Lafarge Corporation following the installation of the pneumatic unloader, EPA is conditionally approving the SIP revision at this time. Final approval will be conditioned upon EPA receiving a subsequent modeled attainment demonstration with specific emission lim-

its for Lafarge Corporation, corrected inputs for Peavey/Con-Agra, and consideration of the sources in the 2-4 km range which have experienced emission changes that may impact the Red Rock Road attainment demonstration.

[59 FR 51863, Oct. 13, 1994, as amended at 62 FR 39123, July 22, 1997]

§ 52.1220 Identification of plan.

(a) Title of plan: "Implementation Plan to Achieve National Ambient Air Quality Standards."

(b) The plan was officially submitted on January 28, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) A revised copy of the State emergency episode criteria was forwarded on February 7, 1972. (Non-regulatory)

(2) Information concerning intergovernmental cooperation was submitted by the Minnesota Pollution Control Agency on March 27, 1972.

(3) Certification that the State had adopted amendments to APC-1, 3, 4, 11, and 15, adopted a new air pollution control regulation (APC-16) and projected manpower resources was submitted by the State on April 28, 1972.

(4) An opinion on the availability of emission data to the public and evaluation of regulation concerning new construction was submitted by the State Attorney General's office on June 15, 1972. (Non-regulatory)

(5) A revised version of the State's regulation APC-3 was submitted by the Governor on July 25, 1972.

(6) On June 8, 1973, the Governor of Minnesota submitted a transportation control plan for the Minneapolis-St. Paul Intrastate Air Quality Control Region.

(7) Information concerning the transportation control plan was submitted on June 18, 1973, by the Minnesota Pollution Control Agency.

(8) Compliance schedules were submitted on June 28, 1973, by the Minnesota Pollution Control Agency.

(9) Information concerning the transportation control plan was submitted on July 30, 1973, by the Metropolitan Transit Commission.

(10) Information concerning the transportation control plan was submitted on August 1, 1973, by the Minnesota Department of Highways.

(11) Compliance schedules were submitted on August 9, 1973, by the Minnesota Pollution Control Agency.

(12) On November 15, 1974, the Governor of Minnesota submitted recommended Air Quality Maintenance Area identifications.

(13) A request for an extension of the statutory timetable for the submittal of the portion of the Minnesota State Implementation Plan implementing the National Secondary Ambient Air Quality Standards for total suspended particulates was submitted by the Executive Director of the Minnesota Pollution Control Agency on January 8, 1979, and was supplemented with additional information on March 9, 1979.

(14) A transportation control plan for the St. Cloud Metropolitan Area was submitted on May 17, 1979, by the Minnesota Pollution Control Agency.

(15) Transportation control plans for the Metropolitan Areas of Duluth, Rochester and Minneapolis-St. Paul were submitted on July 3, 1979, and July 23, 1979, by the Minnesota Pollution Control Agency.

(16) On March 5, 1980, the State of Minnesota submitted a revision to provide for modification of the existing air quality surveillance network. An amendment to the revision was submitted by the State of Minnesota on June 2, 1980.

(17) The sulfur dioxide control plan and revised operating permits for the Rochester and Twin Cities nonattainment areas were submitted by the State of Minnesota on July 17, 1980, and August 4, 1980. Amendments to the control plans were submitted on September 4, 1980. EPA's approval of the control plan includes approval of the emission limitations contained in the revised operating permits.

(18) Stipulation Agreement between the State Pollution Control Agency and Erie Mining Company submitted by the State on February 20, 1981.

(19) On July 29, 1981, the Minnesota Pollution Control Agency submitted an amendment to the transportation control plan for the Minneapolis-St. Paul Metropolitan Area.

(20) On August 4, 1980, and October 17, 1980, the State submitted its total suspended particulate Part D control plans for the Twin Cities Seven County

Metropolitan Area and the City of Duluth. As part of the control strategies the State on January 5, 1981 submitted rule APC-33 and on January 23, 1981 further submitted amended and new rules. The amended and new rules that control total suspended particulate (TSP) emissions are: Amended APC-2, APC-4, APC-5, APC-7, APC-11; and new APC-18, APC-21, APC-22, APC-23, APC-24, APC-25, APC-26, APC-28, APC-29, and APC-32. Regulations APC-4, APC-24, and APC-32 are only approved as they apply to TSP emissions.

(21) On January 23, 1981, the State submitted new rules and amendments to some of their previously approved rules. On November 17, 1981, the State submitted amendments to APC-33. On May 6, 1982 (47 FR 19520), EPA approved some of the rules insofar as they applied to the total suspended particulate strategy for the Twin Cities Seven County Metropolitan Area and the City of Duluth. The remainder of the rules are:

(i) Those portions of APC-4, APC-24, and APC-32 which control emissions of sulfur dioxide, nitrogen dioxide, and carbon monoxide; (ii) the amendments to APC-33; and (iii) APC-8, APC-12, APC-13, APC-15, APC-16, APC-19 and APC-39.

(22) On April 28, 1983, Minnesota submitted its Lead SIP. Additional information was submitted on February 15, 1984, and February 21, 1984.

(23) On May 20, 1985, and on April 17, 1986, the State submitted a carbon monoxide plan for the intersection of Snelling and University Avenues in the City of St. Paul. The plan committed to improved signal progression through the intersection by December 31, 1987, and a parking ban on University Avenue within 1 block in either direction of the intersection with Snelling Avenue by December 31, 1989.

(i) Incorporation by reference.

(A) Amendment to Air Quality Control Plan for Transportation for the Metropolitan Council of the Twin Cities Area dated January 28, 1985.

(B) Letter from Minnesota Pollution Control Agency, dated April 17, 1986, and letter from the City of St. Paul, dated April 1, 1986, committing to implementing of transportation control measures.

(24) On January 7, 1985, the State of Minnesota submitted a consolidated permit rule (CPR) to satisfy the requirements of 40 CFR 51.160 through 51.164 for a general new source review (NSR) program, including lead. On October 25, 1985, the State submitted a Memorandum of Agreement (MOA) which remedied certain deficiencies (40 CFR 52.1225(d)). On October 1, 1986, and January 14, 1987, the State committed to implement its NSR program using USEPA's July 8, 1985 (50 FR 27892), regulations for implementing the stack height requirements of Section 123 of the Clean Air Act (40 CFR 52.1225(e)). USEPA is approving the above for general NSR purposes for all sources, except it is disapproving them for those few sources subject to an NSPS requirement (40 CFR Part 60) and exempted from review under 6 MCAR section 4.4303 B.3. For these sources, NSR Rule APC 3 (40 CFR 52.1220(c)(5)), will continue to apply. Additionally, USEPA is taking no action on the CPR in relationship to the requirements of Section 111, Part C, and Part D of the Clean Air Act.

(i) Incorporation by reference.

(A) Within Title 6 Environment, Minnesota Code of Administrative Rules, Part 4 Pollution Control Agency (6 MCAR 4), Rule 6 MCAR 4 section 4.0002, Parts A, B, C, and E—Definitions, Abbreviations, Applicability of Standards, and Circumvention (formerly APC 2) Proposed and Published in Volume 8 of the State of Minnesota STATE REGISTER (8 S.R.) on October 17, 1983, at 8 S.R. 682 and adopted as modified on April 16, 1984, at 8 S.R. 2275.

(B) Rules 6 MCAR section 4.4001 through section 4.4021—Permits (formerly APC 3)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1420) and adopted as modified on April 16, 1984, at 8 S.R. 2278.

(C) Rules 6 MCAR section 4.4301 through section 4.4305—Air Emission Facility Permits—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1470) and adopted as proposed on April 16, 1984, at 8 S.R. 2276.

(D) Rules 6 MCAR section 4.4311 through section 4.4321—Indirect Source

Permits (formerly APC 19)—Proposed and Published on December 19, 1983, at 8 S.R. 1419 (text of rule starting at 8 S.R. 1472) and adopted as modified on April 16, 1984, at 8 S.R. 2277.

(25) On July 9, 1986, the State of Minnesota submitted Rules 7005.2520 through 7005.2523, submitted to replace the rule APC-29 in the existing SIP (see paragraph (20)). This submittal also included State permits for three sources, but these permits were withdrawn from USEPA consideration on February 24, 1992. This submittal provides for regulation of particulate matter from grain handling facilities, and was submitted to satisfy a condition on the approval of Minnesota's Part D plan for particulate matter.

(i) Incorporation by reference.

(A) Minnesota Rule 7005.2520, Definitions; Rule 7005.2521, Standards of Performance for Dry Bulk Agricultural Commodity Facilities; Rule 7005.2522, Nuisance; and Rule 7005.2523, Control Requirements Schedule, promulgated by Minnesota on January 16, 1984, and effective at the State level on January 23, 1984.

(ii) Additional Material.

(A) Appendix E to Minnesota's July 9, 1986, submittal, which is a statement signed on April 18, 1986, by Thomas J. Kalitowski, Executive Director, Minnesota Pollution Control Agency, interpreting Rules 7005.2520 through 7005.2523 in the context of actual barge loading practices in Minnesota.

(26) On March 13, 1989, the State of Minnesota requested that EPA revise the referencing of regulations in the SIP to conform to the State's recodification of its regulations. On November 26, 1991, and September 18, 1992, the State submitted an official version of the recodified regulations to be incorporated into the SIP. The recodified regulations are in Chapter 7001 and Chapter 7005 of Minnesota's regulations. Not approved as part of the SIP are recodified versions of regulations which EPA previously did not approve. Therefore, the SIP does not include Rules 7005.1550 through 7005.1610 (National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos), Rules 7005.2300 through 7005.2330 (limits for iron and steel plants), Rules 7005.2550 through

7005.2590 (NESHAP for beryllium), Rules 7005.2650 through 7005.2690 (NESHAP for mercury), Rule 7005.0116 (Opacity Standard Adjustment) and Rule 7005.2910 (Performance Test Methods for coal handling facilities). Similarly, the SIP continues to exclude the exemption now in Rule 7001.1210 as applied to small sources subject to new source performance standards, and the SIP is approved only for “existing sources” in the case of Rules 7005.1250 through 7005.1280 (Standards of Performance for Liquid Petroleum Storage Vessels), Rules 7005.1350 through 7005.1410 (Standards of Performance for Sulfuric Acid Plants), Rules 7005.1450 through 7005.1500 (Standards of Performance for Nitric Acid Plants), and Rules 7005.2100 through 7005.2160 (Standards of Performance for Petroleum Refineries). The SIP also does not include changes in the State’s Rule 7005.0100 (relating to offsets) that were withdrawn by the State on February 24, 1992, and does not include the new rules 7005.0030 and 7005.0040.

(i) Incorporation by reference.

(A) Minnesota regulations in Chapter 7005 as submitted November 26, 1991, and in Chapter 7001 as submitted September 18, 1992, except for those regulations that EPA has not approved as identified above.

(27) On August 16, 1982, the MPCA submitted an amendment to the St. Cloud Area Air Quality Control Plan for Transportation as a State Implementation Plan revision. This revision to the SIP was adopted by the Board of the Minnesota Pollution Control Agency on July 27, 1982. On August 31, 1989, the Minnesota Pollution Control Agency submitted a revision to the Minnesota State Implementation Plan (SIP) for carbon monoxide deleting the Lake George Interchange roadway improvement project (10th Avenue at First Street South) from its St. Cloud transportation control measures. This revision to the SIP was approved by the Board on June 27, 1989.

(i) Incorporation by reference.

(A) Letter dated August 16, 1982, from Louis J. Breimburst, Executive Director, Minnesota Pollution Control Agency to Valdas V. Adamkus, Regional Administrator, United States Environmental Protection Agency—Region 5

and its enclosed amendment to the Air Quality Plan for Transportation for the St. Cloud Metropolitan Area entitled, “Staff Resolution,” measures 1, 4 and 5 adopted by the Minnesota Pollution Control Agency on July 27, 1982.

(B) Letter dated August 31, 1989, from Gerald L. Willet, Commissioner, Minnesota Pollution Control Agency to Valdas V. Adamkus, Regional Administrator, United States Environmental Protection Agency—Region 5.

(28) On November 9, 1992, the State of Minnesota submitted the Small Business Stationary Source Technical and Environmental Compliance Assistance plan. This submittal satisfies the requirements of section 507 of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Minnesota Laws Chapter 546, sections 5 through 9 enacted by the Legislature, and signed into Law on April 29, 1992.

(29) On November 26, 1991, August 31, 1992, November 13, 1992, February 3, 1993, April 30, 1993, and October 15, 1993, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for particulate matter for the Saint Paul and Rochester areas.

(i) Incorporation by reference.

(A) An administrative order for Ashbach Construction Company, dated August 25, 1992, submitted August 31, 1992, for the facility at University Avenue and Omstead Street.

(B) An administrative order for Commercial Asphalt, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at Red Rock Road.

(C) An administrative order for Great Lakes Coal & Dock Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1031 Childs Road.

(D) An administrative order for Harvest States Cooperatives dated January 26, 1993, submitted February 3, 1993, for the facility at 935 Childs Road.

(E) An administrative order for LaFarge Corporation dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 2145 Childs Road.

(F) An administrative order for the Metropolitan Waste Control Commission and the Metropolitan Council dated November 30, 1992, submitted in a

letter dated November 13, 1992, for the facility at 2400 Childs Road.

(G) An administrative order for North Star Steel Company dated April 22, 1993, submitted April 30, 1993, for the facility at 1678 Red Rock Road.

(H) An administrative order for PM Ag Products, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at 2225 Childs Road.

(I) An administrative order for Rochester Public Utilities dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 425 Silver Lake Drive.

(J) An amendment to the administrative order for Rochester Public Utilities, dated October 14, 1993, submitted October 15, 1993, for the facility at 425 Silver Lake Drive.

(K) An administrative order for J.L. Shiely Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1177 Childs Road.

(ii) Additional materials.

(A) A letter from Charles Williams to Valdas Adamkus dated November 26, 1991, with attachments.

(B) A letter from Charles Williams to Valdas Adamkus dated August 31, 1992, with attachments.

(C) A letter from Charles Williams to Valdas Adamkus dated November 13, 1992, with attachments.

(D) A letter from Charles Williams to Valdas Adamkus dated February 3, 1993, with attachments.

(E) A letter from Charles Williams to Valdas Adamkus dated April 30, 1993, with attachments.

(F) A letter from Charles Williams to Valdas Adamkus dated October 15, 1993, with attachments.

(30) On June 4, 1992, March 30, 1993, and July 15, 1993, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for Air Quality Control Region (AQCR) 131 (excluding the Dakota County Pine Bend area and an area around Ashland Refinery in St. Paul Park).

(i) Incorporation by reference.

(A) An administrative order, received on June 4, 1992, for FMC Corporation and U.S. Navy, located in Fridley, Anoka County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, which

was received on March 30, 1993, became effective on March 5, 1993. Amendment Two, which was received on July 15, 1993, became effective on June 30, 1993.

(B) An administrative order, received on June 4, 1992, for Federal Hoffman, Incorporated, located in Anoka, Anoka County, Minnesota. The administrative order became effective on May 27, 1992. Amendment one, received on July 15, 1993, became effective on June 30, 1993.

(C) An administrative order, received on June 4, 1992, for GAF Building Materials Corporation (Asphalt Roofing Products Manufacturing Facility) located at 50 Lowry Avenue, Minneapolis, Hennepin County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, received on July 15, 1993, became effective on June 30, 1993.

(D) An administrative order, received on June 4, 1992, for Northern States Power Company-Riverside Generating Plant, located in Minneapolis, Hennepin County, Minnesota. The administrative order became effective on May 27, 1992. Amendment One, received on July 15, 1993, became effective on June 30, 1993.

(E) An administrative order for Minneapolis Energy Center, received on July 15, 1993, Inc.'s Main Plant, Baker Boiler Plant, and the Soo Line Boiler Plant all located in Minneapolis, Hennepin County, Minnesota. The administrative order became effective on June 30, 1993.

(ii) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated May 29, 1992, with enclosures providing technical support (e.g., computer modeling) for the revisions to the administrative orders for five facilities.

(B) A letter from Charles Williams to Valdas Adamkus dated March 26, 1993, with enclosures providing technical support for an amendment to the administrative order for FMC Corporation and U.S. Navy.

(C) A letter from Charles Williams to Valdas Adamkus dated July 12, 1993, with enclosures providing technical support for amendments to administrative orders for four facilities and a reissuance of the administrative order to Minneapolis Energy Center, Inc.

(31) In a letter dated October 30, 1992, the MPCA submitted a revision to the Carbon Monoxide State Implementation Plan for Duluth, Minnesota. This revision contains a maintenance plan that the area will use to maintain the CO NAAQS. The maintenance plan contains park and ride lots and an oxygenated fuels program as the contingency measure.

(i) Incorporation by reference.

(A) Letter dated October 30, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosures entitled Appendix E.

(ii) Additional information.

(A) Letter dated November 10, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(B) Letter dated December 22, 1993, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(32) In a letter dated October 30, 1992, the MPCA submitted a revision to the Carbon Monoxide State Implementation Plan for Duluth, Minnesota. This revision removes a transportation control measure (TCM) from the State Implementation Plan. The TCM is an increased turning radius at 14th Avenue and 3rd Street East.

(i) Incorporation by reference.

(A) Letter dated October 30, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5 and its enclosure entitled Appendix D.

(ii) Additional information.

(A) Letter dated November 10, 1992, from Charles Williams, Commissioner, Minnesota Pollution Control Agency to Valdas Adamkus, Regional Administrator, U.S. Environmental Protection Agency, Region 5.

(33) On August 5, 1992, and August 26, 1993, the State of Minnesota submitted its "Offset Rules" as revisions to its State Implementation Plan (SIP) for

new source review in nonattainment areas.

(i) Incorporation by reference.

(A) Rules 7005.3020, 7005.3030, and 7005.3040, with amendments effective August 24, 1992.

(B) Amendments to Rule 7005.3040, effective June 28, 1993.

(ii) Additional materials.

(A) A letter from Charles Williams to Valdas Adamkus dated August 5, 1992, with attachments.

(B) A letter from Charles Williams to Valdas Adamkus dated August 26, 1993, with attachments.

(34) On November 9, 1992, the State of Minnesota submitted the Oxygenated Gasoline Program. This submittal satisfies the requirements of section 211(m) of the Clean Air Act, as amended.

(i) Incorporation by reference.

(A) Minnesota Laws Chapter 2509, sections 1 through 31, except for sections 29 (b) and (c), enacted by the Legislature and signed into Law on April 29, 1992.

(ii) Additional material.

(A) Letter dated August 12, 1994, from the Minnesota Pollution Control Agency (MPCA), to the United States Environmental Protection Agency that withdraws the MPCA Board resolution dated October 27, 1992, and any reference to it, from the oxygenated gasoline State Implementation Plan revision request of 1992.

(35) On July 29, 1992, February 11, 1993, and February 25, 1994, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for Dakota County Pine Bend area of Air Quality Control Region (AQCR) 131.

(i) Incorporation by reference.

(A) For Continental Nitrogen and Resources Corporation, located in Rosemount, Dakota County, Minnesota:

(1) An administrative order, dated and effective July 28, 1992, submitted July 29, 1992.

(2) Amendment One to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(B) For Northern States Power Company, Inver Hills Generating Facility, located in Dakota County, Minnesota:

(1) An administrative order, dated and effective July 28, 1992, submitted July 29, 1992.

(2) Amendment one to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(C) For Koch Refining Company and Koch Sulfuric Acid Unit, located in the Pine Bend area of Rosemount, Dakota County, Minnesota:

(1) An administrative order, identified as Amendment One to Findings and Order by Stipulation, dated and effective March 24, 1992, submitted July 29, 1992.

(2) Amendment two to the administrative order, dated and effective January 22, 1993, submitted February 11, 1993.

(3) Amendment three to the administrative order, dated and effective February 25, 1994, submitted February 25, 1994.

(ii) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated July 29, 1992, with enclosures providing technical support (e.g., computer modeling) for the revisions to the administrative orders for three facilities.

(B) A letter from Charles Williams to Valdas Adamkus dated February 11, 1993, submitting Amendment Two to the administrative order for Koch Refining Company.

(C) A letter from Charles Williams to Valdas Adamkus dated February 25, 1994, with enclosures providing technical support for amendments to administrative orders for three facilities.

(36) On June 22, 1993, and September 13, 1994, the State of Minnesota submitted revisions to its State Implementation Plan for lead for a portion of Dakota County.

(i) Incorporation by reference.

(A) For Gopher Smelting and Refining Company, located in the city of Eagan, Dakota County, Minnesota:

(1) An administrative order, dated, submitted, and effective June 22, 1993.

(2) Amendment One to the administrative order, dated, submitted, and effective, September 13, 1994.

(ii) Additional material.

(A) A letter from Charles W. Williams to Valdas V. Adamkus, dated June 22, 1993, with enclosures providing

technical support (e.g., computer modeling) for the revisions to the State Implementation Plan for lead.

(B) A letter from Charles W. Williams to Valdas V. Adamkus, dated September 13, 1994, with enclosures providing technical support for the revised administrative order for Gopher Smelting and Refining Company.

(37) On March 9, 1994, the State of Minnesota submitted a revision to its particulate matter plan for the Saint Paul area, providing substitute limits for an aggregate heater at the J.L. Shiely facility.

(i) Incorporation by reference.

(A) An amendment dated January 12, 1994, amending the administrative order of August 25, 1992, for the J.L. Shiely facility at 1177 Childs Road, Saint Paul.

EDITORIAL NOTE: At 60 FR 21451, May 2, 1995 the following paragraph (c)(37) was added to § 52.1220.

(37) On November 23, 1993, the State of Minnesota submitted updated air permitting rules.

(i) Incorporation by reference.

(A) Rules 7007.0050 through 7007.1850, effective August 10, 1993.

(B) Rules 7001.0020, 7001.0050, 7001.0140, 7001.0180, 7001.0550, 7001.3050, 7002.0005, 7002.0015, and 7005.0100, effective August 10, 1993.

(38) On December 22, 1992 and September 30, 1994, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for sulfur dioxide for the St. Paul Park area of Air Quality Control Region (AQCR) 131.

(i) Incorporation by reference.

(A) For Ashland Petroleum Company, located in St. Paul Park, Minnesota:

(1) An administrative order, dated and effective December 15, 1992, submitted December 22, 1992.

(2) Amendment One to the administrative order, dated and effective September 30, 1994, submitted September 30, 1994.

(ii) Additional material.

(A) A letter from Charles Williams to Valdas Adamkus dated December 22, 1992, with enclosures providing technical support (e.g., computer modeling) for the revision to the administrative order for Ashland Petroleum Company.

(B) A letter from Charles Williams to Valdas Adamkus dated September 30, 1994, with enclosures, submitting Amendment One to the administrative order for Ashland Petroleum Company.

(39) [Reserved]

(40) On November 23, 1993, the State of Minnesota requested recodification of the regulations in its State Implementation Plan, requested removal of various regulations, and submitted recodified regulations containing minor revisions.

(i) Incorporation by reference.

(A) Minnesota regulations in Chapters 7005, 7007, 7009, 7011, 7017, 7019, and 7023, effective October 18, 1993.

(B) Submitted portions of Minnesota Statutes Sections 17.135, 88.01, 88.02, 88.03, 88.16, 88.17, and 88.171, effective 1993.

(41) On December 22, 1994, Minnesota submitted miscellaneous amendments to 11 previously approved administrative orders. In addition, the previously approved administrative order for PM Ag Products (dated August 25, 1992) is revoked.

(i) Incorporation by reference.

(A) Amendments, all effective December 21, 1994, to administrative orders approved in paragraph (c)(29) of this section for: Ashbach Construction Company; Commercial Asphalt, Inc.; Great Lakes Coal & Dock Company; Harvest States Cooperatives; LaFarge Corporation; Metropolitan Council; North Star Steel Company; Rochester Public Utilities; and J.L. Shiely Company.

(B) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(30) of this section for United Defense, LP (formerly FMC/U.S. Navy).

(C) Amendments, effective December 21, 1994, to the administrative order approved in paragraph (c)(35) of this section for Northern States Power-Inver Hills Station.

(42) On September 7, 1994, the State of Minnesota submitted a revision to its State Implementation Plan (SIP) for particulate matter for the Rochester area of Olmsted County, Minnesota.

(i) Incorporation by reference.

(A) Amendment Two to the administrative order for the Silver Lake Plant

of Rochester Public Utilities, located in Rochester, Minnesota, dated and effective August 31, 1994, submitted September 7, 1994.

(43) On November 12, 1993, the State of Minnesota submitted a contingency plan to control the emissions of carbon monoxide from mobile sources by use of oxygenated gasoline on a year-round basis. The submittal of this program satisfies the provisions under section 172(c)(9) and 172(b) of the Clean Air Act as amended.

(i) Incorporation by reference.

(A) Laws of Minnesota for 1992, Chapter 575, section 29(b), enacted by the legislature and signed into law on April 29, 1992.

(44) This revision provides for data which have been collected under the enhanced monitoring and operating permit programs to be used for compliance certifications and enforcement actions.

(i) Incorporation by reference.

(A) Minnesota Rules, sections 7007.0800 Subpart 6.C(5), 7017.0100 Subparts 1 and 2, both effective February 28, 1995.

(45) On December 15, 1995, the Minnesota Pollution Control Agency submitted a revision to the State Implementation Plan for the general conformity rules. The general conformity SIP revisions enable the State of Minnesota to implement and enforce the Federal general conformity requirements in the nonattainment or maintenance areas at the State or local level in accordance with 40 CFR part 93, subpart B—Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

(i) Incorporation by reference.

(A) Minnesota rules Part 7009.9000, as created and published in the (Minnesota) Register, November 13, 1995, number 477, effective November 20, 1995.

(46) On April 24, 1997, the State of Minnesota submitted Administrative Order amendments for sulfur dioxide for two Northern States Power facilities: Inver Hills and Riverside.

(i) Incorporation by reference.

(A) Amendment Two, dated and effective November 26, 1996, to administrative order approved in paragraph (c)(30)

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of this section for Northern States Power-Riverside Station.

(B) Amendment Three, dated and effective November 26, 1996, to administrative order and amendments approved in paragraphs (c)(35) and (c)(41), respectively, of this section for Northern States Power-Inver Hills Station.

(47) On October 17, 1997, the State of Minnesota submitted amendments to three previously approved Administrative Orders for North Star Steel Company, LaFarge Corporation, and GAF Building Materials, all located in the Minneapolis-St. Paul area.

(i) Incorporation by reference.

(A) Amendments, both dated and effective September 23, 1997, to administrative orders and amendments approved in paragraphs (c)(29) and (c)(41) of this section, respectively, of this section for: LaFarge Corporation (Childs Road facility) and North Star Steel Company.

(B) Amendment Two, dated and effective September 18, 1997, to administrative order and amendment approved in

paragraph (c)(30) of this section for GAF Building Materials.

(48) On January 12, 1995, Minnesota submitted revisions to its air permitting rules. The submitted revisions provide generally applicable limitations on potential to emit for certain categories of sources.

(i) *Incorporation by reference.* Submitted portions of Minnesota regulations in Chapter 7007, and 7011.0060 through 7011.0080 effective December 27, 1994.

[37 FR 10874, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1220, see the List of CFR Sections Affected in the Finding Aids section of this volume.

EFFECTIVE DATE NOTE: At 64 FR 26883, May 18, 1999, § 52.1220 was amended by adding paragraph (c)(48), effective July 19, 1999.

§ 52.1221 Classification of regions.

The Minnesota plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Central Minnesota Intrastate	II	III	III	III	III
Southeast Minnesota-La Crosse (Wisconsin) Interstate	II	Ia	III	III	III
Duluth (Minnesota)-Superior (Wisconsin) Interstate	I	II	III	III	III
Metropolitan Fargo-Moorhead Interstate	II	III	III	III	III
Minneapolis-St. Paul Intrastate	I	I	III	I	III
Northwest Minnesota Intrastate	II	III	III	III	III
Southwest Minnesota Intrastate	III	III	III	III	III

[37 FR 10874, May 31, 1972, as amended at 39 FR 16346, May 8, 1974]

§ 52.1222 EPA-approved Minnesota State regulations.

The following table identifies the State regulations submitted to and approved by EPA as revisions to the Minnesota State Implementation Plan (SIP). This table is for informational purposes only and does not have any

independent regulatory effect. This table also does not include administrative orders that have been approved into the SIP. To determine regulatory requirements for a specific situation consult the plan identified in § 52.1220. To the extent that this table conflicts with § 52.1220, § 52.1220 governs.

TABLE 52.1222.—EPA APPROVED REGULATIONS

Rule description	Minnesota rule numbers	Contents of SIP	Effective date	Relevant ¶s in § 52.1220 ¹
Definitions and Abbreviations.	7005.0100–.0110	Full rules except def'n of NESHAP.	10/18/93	b,c20,c40.
Air Emission Permits	7007.0050–.1850	Full rules	8/10/93	b,c3,c5, c24,c26,c39.
Offsets	7007.4000–.4030	Full rules	10/18/93	c33.

TABLE 52.1222.—EPA APPROVED REGULATIONS—Continued

Rule description	Minnesota rule numbers	Contents of SIP	Effective date	Relevant ¶s in § 52.1220 ¹
Ambient Air Quality Standards.	7009.0010–.0080	All except 7009.0030 and 7009.0040.	10/18/93	b,c3,c26.
Air Pollution Episodes	7009.1000–.1110	Full rules	10/18/93	c1,c21.
Applicability	7011.0010, .0020	Full rules	10/18/93	b,c20
Opacity	7011.0100–.0120	All except 7011.0120	10/18/93	b,c3,c20.
Fugitive Particulate	7011.0150	Full rules	10/18/93	b.
Indirect Heating Equipment.	7011.0500–.0550	Full rules	10/18/93	b,c3,c20,c21
Direct Heating Equipment	7011.0600–.0620	Full rules	10/18/93	c20,c21.
Industrial Process Equipment.	7011.0700–.0735	Full rules	10/18/93	b,c20
Portland Cement Plants	7011.0800–.0825	All except 7011.0810	10/18/93	c20,c40.
Asphalt Concrete Plants	7011.0900–.0920	All except 7011.0910	10/18/93	c20,c40.
Grain Elevators	7011.1000–.1015	All except 7011.1005(2)	10/18/93	c20,c25,c40.
Coal Handling Facilities ..	7011.1100–.1140	All except 7011.1130	10/18/93	c21.
Incinerators	7011.1201–.1207	All rules for “existing sources” ² .	10/18/93	b,c20,c40.
Sewage Sludge Incinerators.	7011.1300–.1325	All rules for “existing sources”.	10/18/93	c20,c40
Petroleum Refineries	7011.1400–.1430	All rules for “existing sources”.	10/18/93	c20,c21.
Liquid Petroleum and VOC Storage Vessels.	7011.1500–.1515	All rules for “existing sources”.	10/18/93	b,c21.
Sulfuric Acid Plants	7011.1600–.1630	All except 7011.1610	10/18/93	b,c3,c21,c40
Nitric Acid Plants	7011.1700–.1725	All except 7011.1710	10/18/93	b,c3,c21,c40.
Inorganic Fibrous Materials.	7011.2100–.2105	All rules	10/18/93	c20.
Stationary Internal Combustion Engine.	7011.2300	Entire rule	10/18/93	b,c21.
CEMS	7017.1000	Entire Rule	10/18/93	c20.
Performance Tests	7017.2000	Entire Rule	10/18/93	c20.
Notifications	7019.1000	Entire Rule	10/18/93	c20.
Reports	7019.2000	Entire Rule	10/18/93	c20.
Emission Inventory	7019.3000, .3010	All rules	10/18/93	c20,c40.
Motor Vehicles	7023.0100–.0120	All rules	10/18/93	b,c21.
Open Burning	Portions of Chapter 17 and 88 of MN Statutes.	All submitted portions of Sections 17.135, 88.01, 88.02, 88.03, 88.16, 88.17, and 88.171.	1993	b,c21,c26, c40.

¹ Recodifications affect essentially all rules but are shown only for substantively revised rules.² “Existing” sources are sources other than those subject to a new source performance standard.

[60 FR 27413, May 24, 1995]

§ 52.1223 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Minnesota's plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plan satisfies all requirements of Part D, Title 1, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 40581, June 16, 1980]

§ 52.1224 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the plan does not provide for public availability of emission data.

(b) Regulation for public availability of

emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information

as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to July 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(5) Authority of the Regional Administrator to make available information and data was delegated to the Minnesota Pollution Control Agency effective October 6, 1977.

[37 FR 10874, May 31, 1972, as amended at 40 FR 55330, Nov. 28, 1975; 43 FR 10, Jan. 3, 1978; 51 FR 40676, Nov. 7, 1986]

§ 52.1225 Review of new sources and modifications.

(a) Part D—Approval. The State of Minnesota has satisfied the requirements of sections 173 and 189(a)(1)(A) for permitting of major new sources

and modifications in nonattainment areas.

(b)–(d) [Reserved]

(e) The State of Minnesota has committed to conform to the Stack Height Regulations, as set forth in 40 CFR part 51. In a January 14, 1987, letter to David Kee, USEPA, Thomas J. Kalitowski, Executive Director, Minnesota Pollution Control Agency, stated:

Minnesota does not currently have a stack height rule, nor do we intend to adopt such a rule. Instead, we will conform with the Stack Height Regulations as set forth in the July 8, 1985, FEDERAL REGISTER in issuing permits for new or modified sources. In cases where that rule is not clear, we will contact USEPA Region V and conform to the current federal interpretation of the item in question.

[53 FR 17037, May 13, 1988, as amended at 59 FR 21941, Apr. 28, 1994; 60 FR 21451, May 2, 1995]

§§ 52.1226–52.1229 [Reserved]

§ 52.1230 Control strategy and rules: Particulates.

(a) *Part D. (1) Approval.* The State of Minnesota has satisfied the requirements of sections 189(a)(1)(B) and 189(a)(1)(C) and paragraphs 1, 2, 3, 4, 6, 7, 8, and 9 of section 172(c) for the Saint Paul and Rochester areas. The Administrator has determined pursuant to section 189(e) that secondary particulate matter formed from particulate matter precursors does not contribute significantly to exceedances of the NAAQS.

(2) *No action.* USEPA takes no action on the alternative test method provision of Rule 7005.2910.

(b) *Approval*—On May 31, 1988, the State of Minnesota submitted a committal SIP for particulate matter with an aerodynamic diameter equal to or less than 10 micrometers (PM₁₀) for Minnesota's Group II areas. The Group II areas of concern are in Minneapolis, Hennepin County; Duluth and Iron Range, St. Louis County; Iron Range, Itasca County; Two Harbors, Lake County; and St. Cloud, Stearns County. The committal SIP contains all the requirements identified in the July 1,

§§ 52.1231—52.1232

1987, promulgation of the SIP requirements for PM₁₀ at 52 FR 24681.

[47 FR 19522, May 6, 1982, as amended at 47 FR 32118, July 26, 1982; 55 FR 21022, May 22, 1990; 57 FR 46308, Oct. 8, 1992; 59 FR 7222, Feb. 15, 1994]

§§ 52.1231—52.1232 [Reserved]

§ 52.1233 Operating permits.

Emission limitations and related provisions which are established in Minnesota permits as federally enforceable conditions in accordance with Chapter 7007 rules shall be enforceable by USEPA. USEPA reserves the right to deem permit conditions not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the permit program requirements or the requirements of USEPA's underlying regulations.

[60 FR 21451, May 2, 1995]

§ 52.1234 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21(b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Minnesota.

(c) All applications and other information required pursuant to § 52.21 from sources located in the State of Minnesota shall be submitted to the Minnesota Pollution Control Agency,

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Division of Air Quality, 520 Lafayette Road, St. Paul, Minnesota 55155.

[45 FR 52741, Aug. 7, 1980, as amended at 53 FR 18985, May 26, 1988]

§ 52.1235 [Reserved]

§ 52.1236 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Minnesota.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Minnesota.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45137, Nov. 24, 1987]

§ 52.1237 Control strategy: Carbon monoxide.

(a) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: Duluth Metropolitan Area and Minneapolis-St. Paul Metropolitan Area.

(b) Approval—The 1993 carbon monoxide periodic emission inventory requirement of section 187(a)(5) of the Clean Air Act, as amended in 1990, has been satisfied for the following areas: the counties of the Twin cities seven county Metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington), and Wright.

[59 FR 47807, Sept. 19, 1994, as amended at 62 FR 55172, Oct. 23, 1997]